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Counsel for Defendant  
DAVID DWAYNE GODFREY

IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID DWAYNE GODFREY,

Defendant.

Case No. CR 08-00812 CW

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SENTENCE  
REDUCTION UNDER U.S.S.G. §  
1B1.10(b)(1) (AS AMENDED BY 750,  
PARTS A & C)**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting through their respective counsel, that:

1. The defendant is making an unopposed motion for a modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:  
Total Offense Level: 21  
Criminal History Category: V  
Guideline Range: 70-87 months  
Mandatory Minimum: 60 months
3. Defendant was sentenced to 70 months imprisonment on April 29<sup>th</sup>, 2009.
4. Effective November 1<sup>st</sup>, 2011, defendant is eligible for a modification of his sentence pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A and

C, of the United States Sentencing Guidelines Manual.

5. Defendant's revised guideline calculation is as follows:

Total Offense Level: 19

Criminal History Category: V

Guideline Range: 57-71

6. The parties have no reason to dispute the Reduction of Sentence Report submitted to the Court by the probation office.

7. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order reducing defendant's sentence to 60 months.

8. The parties further stipulate that all other aspects of the original judgment order including the length of term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

9. Defendant stipulates that he waives and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43, 18 U.S.C. § 3582(c)(2); United States v. Booker, 543 U.S. 220 (2005) and Kimbrough v. United States, 128 S.Ct. 558 (2007).

10. Defendant waives his right to appeal the district court's sentence.

11. Accordingly, the parties agree that an amended judgment may be entered by the Court in accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines Manual. The parties agree that a proposed amended judgment will be submitted to the Court by the probation office, along with the Sentencing Reduction Investigation Report.

1 IT IS SO STIPULATED:

2 /s/

3 Date: 1/9/12

4 LINDA FULLERTON  
Attorney for David Dwayne Godfrey

5 /s/

6 J. DOUGLAS WILSON  
7 Assistant United States Attorney

8  
9 ~~PROPOSED~~ ORDER

10  
11 Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED that  
12 the defendant's sentence is reduced to 60 month; and it is further ORDERED that all original  
13 conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

14  
15 Date: 1/11/2012

16  
17   
18 United States District Judge